

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

April 15, 2010



**Right-of-way Abandonment RA 10-03: a request to abandon public alley
right-of-way in Block 161 of Bryan Original Townsite**

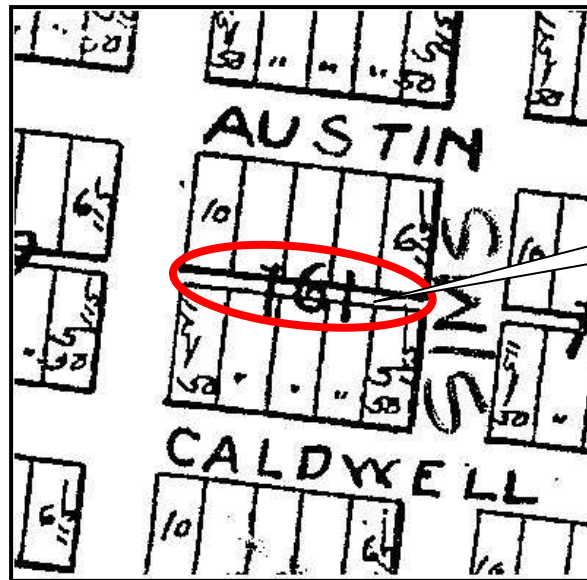
LOCATION: a 20-foot wide and 250-foot long alley right-of-way extending west from North Sims Avenue to North Sterling Avenue in Block 161 of the Bryan Original Townsite in Bryan, Brazos County, Texas

APPLICANT(S): Mr. Luis Bustamante

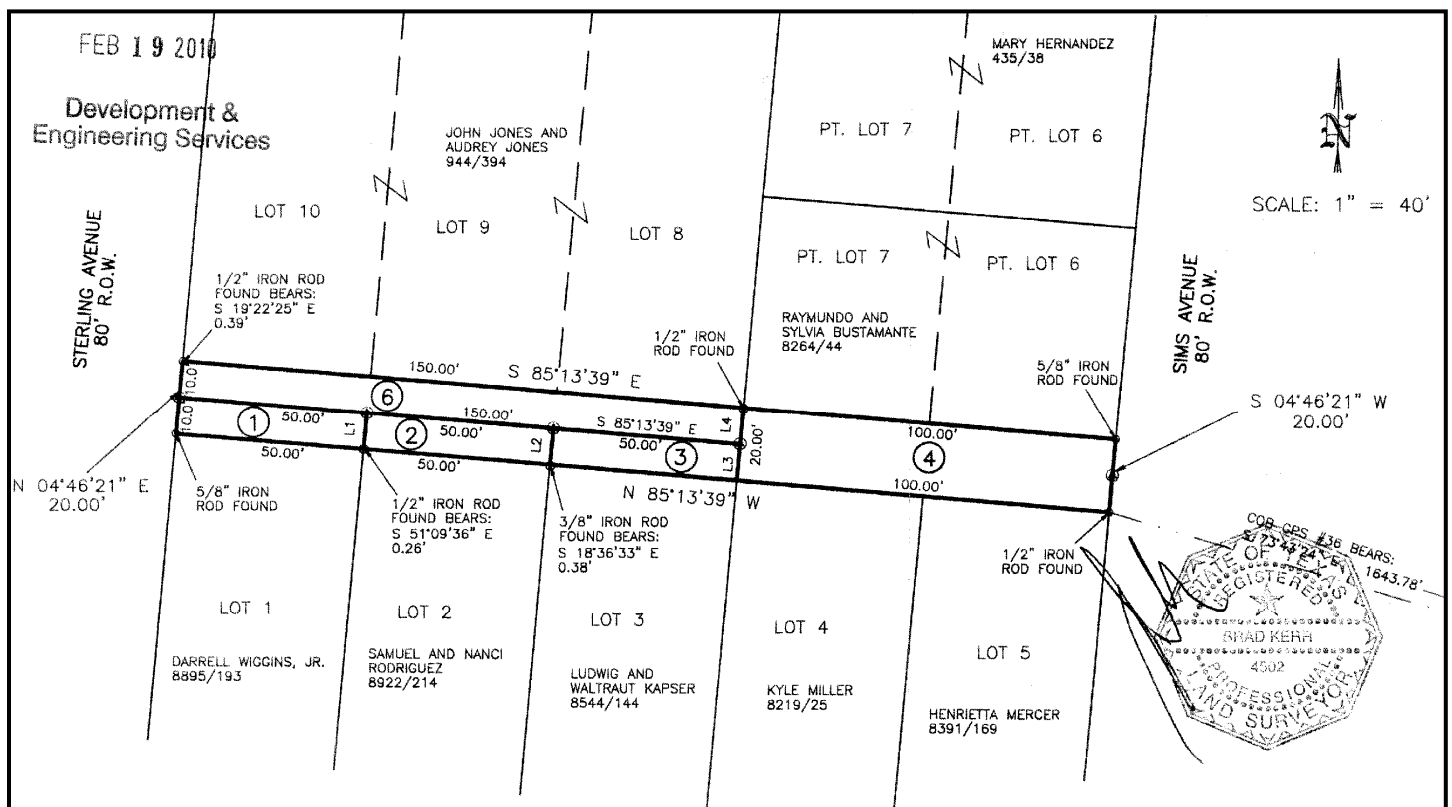
STAFF CONTACT: Michelle Audenaert, Economic Development Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the requested right-of-way abandonment, **subject to a condition.**





Excerpt from Bryan Original Townsite (1889)



Survey showing alley proposed to be abandoned, Block 161 BOTS

RIGHTS-OF-WAY REQUESTED TO BE ABANDONED:

Mr. Luis Bustamante is requesting the official abandonment of an alley right-of-way in Block 161 of the Bryan Original Townsite to formally integrate this land with his ownership of adjoining land. The right-of-way requested to be abandoned is approximately 5,000 square feet in area and has never been improved as a driving surface.

Acting on behalf of the general public, only Bryan's City Council is authorized to officially abandon all or portions of rights-of-way dedicated for public use. The Planning and Zoning Commission hears and makes a recommendation on proposals to abandon any such rights-of-way.

ANALYSIS AND RECOMMENDATION:

Excess right-of-way burdens the public with possible continued maintenance, liability concerns, and is an inefficient use of urban land. The alley requested to be abandoned has been functionally integrated with adjacent land for many years and has never been improved with a driving surface. Abandoning the subject right-of-way, therefore, will not substantially interfere with the smooth circulation of vehicular and pedestrian traffic.

However, a public sewer line extends through the subject right-of-way. If this right-of-way is abandoned, then a suitable easement over existing sewer utilities will need to be reserved. Such an easement will help ensure access for repairing and replacing utilities and help prevent buildings which interfere with access to these utilities.

The Site Development Review Committee and staff recommend **approving** the request to abandon this alley right-of-way, **subject to the following condition:**

- **that a 20-foot wide and 250-foot long public utility easement be reserved over the entire abandoned right-of-way in Bryan Original Townsite Block 161, to accommodate existing utility facilities.**

Abandoning the subject right-of-way, as recommended, will allow this land to be integrated with adjacent lots and relieve the public from the continued maintenance responsibility for this right-of-way.

Staff contends that the recommended rearrangement of land now within this alley right-of-way is believed to have the most likely long-range public benefit.